

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ERIC KEVIN CULLUM,
Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01238

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

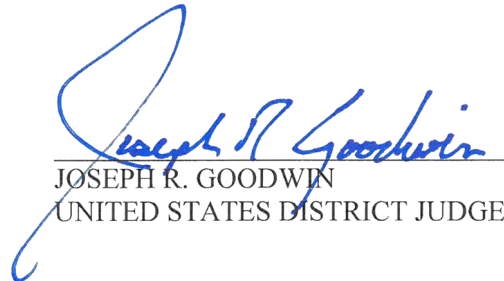
ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 25, 2019, Magistrate Judge Eifert submitted her Proposed Findings of Fact and Recommendation [ECF No. 11] (“PF&R”), recommending the court grant the plaintiff’s motion for judgment on the pleadings [ECF No. 8] to the extent that it requests remand of the Commissioner’s decision pursuant to sentence four of 42 U.S.C. § 405(g); deny the defendant’s request to affirm the decision of the Commissioner [ECF No. 9]; reverse the final decision of the Commissioner; remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and dismiss the case, with prejudice, and remove it from the docket of the court. To date, no objections to Magistrate Judge Eifert’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **GRANTS** the plaintiff's motion for judgment on the pleadings [ECF No. 8] to the extent that it requests remand of the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g); **DENIES** the defendant's request to affirm the decision of the Commissioner [ECF No. 9]; **REVERSES** the final decision of the Commissioner; **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and **DISMISSES** this case, **with prejudice**, and removes it from the docket of the court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, any unrepresented party, and the Magistrate Judge.

ENTER: July 15, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE